



TOWN OF WATERTOWN
Zoning Board of Appeals
Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

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MINUTES

On Wednesday evening, May 27, 2015 at 7:00 p.m. in the Richard E. Mastrangelo Council Chamber on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: Melissa Santucci Rozzi, *Chair*; David Ferris, *Clerk*; Christopher Heep, *Member*; John G. Gannon, *Member*; Kelly Donato, *Member*; Neeraj Chander, *Alternate Member*. Also Present: Steve Magoon, Director, Mike Mena, Zoning Officer, Louise Civetti, Zoning Clerk, and Andrea Adams, Sr. Planner.

The Chair opened the meeting, introduced the board and staff, and reviewed the agenda.

CASES PENDING

AGENDA ITEM #1 – 95 Chapman Street

Member Ferris read the legal notice:

“Greg and Sylvie Papazian, 95 Chapman Street, Watertown MA 02472 herein requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with Watertown Zoning Ordinance, §4.06, Alterations to Existing Non-Conforming Structures, Front and Rear Yard Setbacks, so as to construct a second floor addition with 2’ overhang, maintaining existing non-conforming front yard setback at approximately 6’, where 15’ is required and 7’ setback to the rear, where 20’ is required. T (Two-Family) Zoning District. ZBA-2015-15”

The Applicant summarized her proposed project and stated that she was available to answer any questions.

Chair Santucci Rozzi asked if there were any comments from the public and opened the hearing up to public comment. There were no public comments.

Member Ferris asked whether the post shown supporting the second floor cantilever were necessary and whether the materials used would be AZEK and if the whole house would be resided/new windows? Member Ferris also asked if the rear deck and a tree in the front yard would remain. The applicant answered that they would check with the contractor regarding the posts and that yes, the whole house would be resided, new windows only on the 2nd and attic floors, and that the deck and tree were to remain. Member Ferris further asked staff to clarify the proposed addition met the town’s half-story definition for the attic and if the overhang over the front door would meet setbacks. Staff clarified that both met code.

Member Donato asked whether the applicant had coordinated with their neighbors and they confirmed that they had.

Chair Santucci Rozzi and Member Heep also asked for clarification of the half-story requirements and whether the attic would just be used or dry storage (no attic plan shown). Both were confirmed by staff and the applicant.

Chair Santucci Rozzi summarized the Planning Board Report and the Conditions requested by Member Ferris regarding the matching of materials and brackets for the front canopy. Chair Santucci Rozzi then requested a motion. Member Ferris motioned to approve the project with conditions which was seconded by Member Heep and voted unanimously to grant approval (5-0-0).

AGENDA ITEM #2 – 311 Arsenal Street

Member Ferris read the legal notice:

“Leslie Brunner, SVP, Athena Arsenal LLC, 311 Arsenal Street, Watertown, MA 02472 herein requests the Zoning Board of Appeals grant a Special Permit in accordance with Watertown Zoning Ordinance, §9.11, Temporary Structures, so as to place a pre-constructed, single-story 10’ x 20’ shed at the corner of Arsenal Street and Kingsbury Avenue from June 1, 2015 through October 30, 2015. ASOD (Arsenal Street Overlay) Zoning District. ZBA-2015-13”

The Applicant, Mr. Beals, summarized her proposed project, noting that it would only consist of one shed, rather than the three they had requested in the past and that the shed would serve as a storage area for recreational and other supplies for events in the adjacent lawn. The shed would also serve for cover, under the canopy, for sporadic retail vendors. Member Donato and Member Gannon asked what type of retail they were looking for and the applicant responded that they would most likely have a coffee roaster, jeweler, etc. and some prepared food vendors which would be closely scrutinized given the health code and permit regulations.

Member Heep asked how the space would be shared with the storage and the retail vendor. The applicant stated that the vendor would not be inside the shed but next to it, most likely under the canopy. Member Chander asked about the roofing material and any impact on the trees. The applicant stated that there would be no impact on the trees and the roofing materials were still being worked out and would be of some wood material and water tight/protected.

Chair Santucci Rozzi summarized the Planning Board Report and the previous approval for the sheds on the site. Chair Santucci Rozzi then requested a motion. Member Gannon motioned to approve the project with conditions which was seconded by Member Heep and voted unanimously to grant approval (5-0-0).

AGENDA ITEM #3 – 65 Grove Street

Member Ferris read the legal notice:

“Edward Nardi, Agent, Cresset Grove LLC, 120 Water Street, Boston, MA 02109, herein requests the Zoning Board of Appeals grant a Special Permit with Site Plan Review in accordance with Watertown Zoning Ordinance §5.01.3(a.2), New Construction >4,000 s.f. and §5.04, Table of Dimensional Regulations, and §5.05(d) Side Yard Setbacks, so as to raze a portion of existing structure formerly known as Ionics and rebuild an attached 3-story/4 level parking garage with 290 parking spaces, maintaining, non-conforming front and side yard setbacks. I-2 (Industrial) Zoning District. ZBA-2014-27”

Bill York, Developer Representative, introduced the development team and stated the benefits of the project economically to the town and area in addition to the significant on-site and off-site improvements. Mr. York also noted the cooperation of the community and neighbors in the planning and design process and the access issued to and from the site, via Crawford Street.

The development team summarized the project in more detail and covered the existing site and building conditions, architecture, landscaping, civil and storm water/run-off changes, traffic and transportation

improvements and mitigation measures, and the screening of the garage to the neighboring residential properties.

Chair Santucci Rozzi opened the meeting to public comment.

Barbara Ruskin, resident, stated that she liked the building and the project would be a great “redo” of the site and area. Ms. Ruskin also stated that she would have liked to have seen more green space and wished the garage was not so large, but appreciate the efforts to work with Atrium School and the access issues. Ms. Ruskin also asked the development team about any transportation management demand measures that would be incorporated into the project. The traffic engineer stated that the owner/future tenants could work with Mass Ride and New Ride to find carpool options with 65 Grove Street employees and/or other employers/employees from nearby companies.

Rita Koala, resident, stated that she abuts the project to the south and appreciates everyone’s effort to address the access onto Crawford Street and for the developer working with them regarding the fencing between the residence and the project.

Councilmember Angie Kounelis, stated that the project is a result of an extensive collaborative effort and the importance of working together. The councilmember stated that more sites seem to be landlocked and by working together “we” can make things better in working with what we have. This helps achieve the goals of the community and the surrounding neighborhoods.

Councilmember Palomba reiterated the statements made by Ms. Kounelis and stated that the project will better a site that has been vacant for several years and didn’t think that the traffic issues would be worked out and happy that they were. The Councilmember also congratulated the Chair on her re-appointment.

Chair Santucci Rozzi then opened the meeting for the Board’s discussion.

Member Gannon asked about the history of the site and its uses, the number of expected tenants/population, and the agreement with the Atrium School. The applicant stated that the building was constructed circa 1945 as an engineer building, later occupied by Ionics which was later purchased by GE who occupied the building through 2011. The building’s design would allow for up to 6 tenants, but exact number has not been determined yet and number of employees would be dictated by the employer. The applicant also stated that the easement with Atrium School would be in perpetuity and would run with the land.

Member Heep asked about the twelve parking spaces shown for the school and whether they were counted toward the total needed for the propose use and if the site is over parked, what is the need for them? Member Heep also asked about the transportation reduction measures mentioned during the presentation, like alternate hours for employees, and how would the Board and town be assured that those measures are acted on and maintained? The applicant stated that the parking spaces were in addition to what is required for the office building use and is for the use of the school. The parking spaces were spaced the school had previously and want to keep the school whole and help them meet their needs. The applicant also stated that transportation measures like T-passes, ride sharing, etc. would be management through leases with each tenant and there would be some cost sharing with the owner. The applicant suggested reporting back to the Board in a year regarding implementation of the measures.

Member Ferris had several questions regarding lighting on the top floor of the garage, the connection between the garage and the building, delivery and trash pick-up hours, screening of rooftop equipment, color and material of the propose parking structure, landscape screening of the parking structure and requested more trees in the landscaped retention area and along Grove Street. Member Ferris also asked about the shadow parking shown on the plan. The applicant and their architect stated that a site candle analysis was submitted to Planning which showed no impact on the adjacent residence and that the lights would be timed to turn off at night. The architect also stated that the connection from the garage to the building was a solid/rigged canopy that provided access from the garage to the building’s entrance. The applicant referred the Board to the site circulation plan which showed how a truck and

emergency vehicles would travel through the site and that they would be open to limited delivery and trash pick-up hours. The applicant was hesitant to condition roof screening and wanted to evaluate the need once the equipment is placed on the building, citing that the screens sometimes add to the roof top clutter rather than detract from it. The applicant stated that he was unsure of the cost implications of changing the material and/or color of the garage but would be willing to look into and report back to staff. The landscape architect addressed the landscape and screening questions and stated that the proposed bamboo would act as an additional layer of screen beyond the proposed fencing and line of trees. The applicant stated that they have met with the abutting neighbors and are working out a screening plan that they are comfortable with also. The applicant agreed to add more trees to the central landscaped area of the surface parking lot and along Grove Street.

Member Donato asked about the parking shown on the City of Cambridge property and whether any agreements were in place yet. Member Gannon also asked about the parking and whether it was an easement that would be granted to them and what was underneath. The applicant stated that they were in negotiations with the City of Cambridge for a Licensing Agreement with them, but it has not been finalized. The applicant also stated that the land covers an aqueduct for the City of Cambridge and that there were restrictions on building structures over it.

Steve Magoon, Director, noted that the reuse of the building was an important opportunity for the Town in terms of office development, and maintaining the diversity of Watertown's tax base. He also noted the applicant could have done this project as a By Right, by reoccupying the building, and maintaining the parking lot as it is now. Proposed project creates high-quality office space, addresses stormwater management, follows the Design Guidelines, putting solar cells on the roof. Makes the project more advantageous to the Town in terms of Economic Development. Applicant will also be contributing \$175,000 to transportation improvements. Opportunity to work with the Atrium School, to implement traffic circulation changes. School was very cooperative to find a solution in this case. Project represents a real opportunity moving forward for Watertown. Traffic Commission was discussing other concerns of the Atrium School.

Member Gannon asked about the use of bamboo as a buffer to the residential properties. Very invasive species. Is this a different species? Applicant's landscape designer does spread, so that height can be achieved. However, space is limited, narrow, and contained. The plants will also be encased by a polyethylene barrier to encase the root system. Member Gannon also asked about deliveries, and trash management? The applicant pointed out the location of the dumpsters, and will be screened. He said the trash area would be adjacent to the loading area. Member Gannon suggested that hours of trash removal and deliveries be limited, to benefit the neighbors? The applicant agreed that trash pickup could be conditioned, to only occur during business hours.

Chair Santucci Rozzi noted the proposed conditions matrix could be adjusted to reflect daytime trash pickup.

Member Gannon suggested the Control Documents should be updated, to reflect the final set of plans. Some are dated October and some are dated later. Which are the Control Documents? The applicant said the most recent plans are the Control Documents, except that if some sheet is left out of the more recent set, the older document would be the Control Document.

Chair Santucci Rozzi noted many of her questions had been answered. She asked the applicant to clarify the pre-existing non-conforming setbacks. The applicant said the garage meets the same plane as the existing warehouse, which will be torn down. He said it's slightly in the setback, as is the warehouse. He also noted that the item shown on the site plan was a bike rack, and there are no elevators in the garage, because of the location of the disabled parking spaces made it so that an elevator was not needed. Chair Santucci Rozzi noted the project provided 15% green space over the requirement, which was positive. She also noted the green areas were substantial. She complimented the applicant on the landscaping.

Member Ferris complimented the applicant on the thoroughness of the application. He suggested either tinting of the concrete, or continuous screening of the rear yards of the abutting residential properties.

Chair Santucci Rozzi noted the Control Document, L-2, is the Landscaping Plan. She asked about features shown on the Plan, such as fire access? The applicant responded this would be a type of grass-crete, or hardened surface suitable for fire vehicles. She said the area with the plantings abutting the back yards of the homes, was this area in discussion with the homeowners? The applicant responded yes, the final landscaping would be worked out with the abutters. She suggested the Landscaping Plan would therefore be revised, based on the discussions with the neighbors, and would also be reviewed by DCDP staff/Tree Warden. Chair Santucci Rozzi also noted the comments in the Board packets. This included a Petition raised, such as safety, noise and vehicle headlights – Signed by 36 neighbors in the area. Seems as though the neighbors in attendance at the hearing seem satisfied that their concerns have been addressed. She noted correspondence dated 4/8/15 from Mr. Patterson seeking some consideration of alternative traffic patterns, which seem to have been explored.

Member Ferris asked if the Board was inclined to regulate the hours of trash removal and deliveries through its decision, or would it remain as in the proposed Conditions Matrix?

Chair Santucci Rozzi closed the hearing. She noted the materials submitted for the record from the Planning Board. She suggested the Board should discuss the Conditions Matrix.

Member Ferris made the following recommendations for adjustments to the proposed Conditions Matrix:

1. Additional plantings at the Southern boarder
2. Applicant's meetings with the abutters for a continuous buffer
3. 2 Specimen trees at the center courtyard
4. One or 2 added trees at Grove Street
5. Potential stealth screening of mechanicals if visible from Grove Street, to be worked out with DCDP staff

Member Heep recommended a Condition that the applicant be required to fully implement all Transportation Demand Management Measures noted in the Traffic Study that are within its ability to provide as property owner and Landlord. In addition, the applicant is to use best efforts to implement TDM measures noted in the Traffic Study for its tenants, and report back in a year of occupancy as to who these efforts are progressing. He noted the Traffic Study is listed as a Control Document.

Chair Santucci Rozzi noted that Member Gannon had also recommended limiting the hours of deliveries and trash management. Member Gannon suggested a time limit on these activities of 7:00 AM to 7:00 PM. Attorney York said he did not know about FEDEX and UPS pickup that might be outside of these hours. Member Gannon suggested this would not be applicable to mail pickups. Chair Santucci Rozzi suggested the Board would be concerned about noise impacts to the neighbors from large trucks. She also noted the site had run a third shift, and suggested this would not be the case with the proposed occupants of the new project. She said her final issue was the treatment on the garage wall: colored or patterned concrete, skims, etc. Member Ferris suggested coloring the concrete should not be pursued as an option, in favor of the applicant working through ideas with the neighbors.

Chair Santucci Rozzi noted the comments made by Mr. Magoon: Drainage improvements, landscaping, stormwater management, parking upgrades, additional property brought back to the tax base, better circulation, etc.

Member Gannon complimented the applicant for working with the Town and the abutters.

Chair Santucci Rozzi noted the reason for the Special Permit, and the pre-existing non-conforming setbacks. She asked for motions on the project. Member Ferris motioned to approve the project with conditions as amended by the Board, which was seconded by Member Heep and voted unanimously to grant approval (5-0-0).

Chair Santucci Rozzi announced the Zoning Board of Appeals would take a recess, and reconvene.

OTHER BUSINESS

33 Mount Auburn Street – Robert Bray, Extension Request

The Board reconvened and Chair Santucci Rozzi announced that the Board would take the Other Business agenda item out of order. She said this was a request for an extension of time.

Attorney York addressed the Board. He said 33 Mount Auburn Street was a proposed development located in Watertown Square. It was approved in June of 2014 with the grant being final on July 2, 2014. He said it was a mixed use development. There's been a change in management, and the applicant has been working with the Town's Department of Public Works over the last 4 months on drainage issues. Attorney York suggested that tentative solutions had been reached, and the DPW was positive. He requested an extension of 90 days to allow substantive construction to commence. He noted the existing building had been demolished, and other site testing had also been completed. Attorney York hoped that a Building Permit would be sought in the 90 day period, starting on the date of the grant, which would be up to October 4, 2015.

Member Gannon asked Attorney York how long construction would take once a Building Permit was issued? Attorney York estimated that construction could take approximately 18 months.

Chair Santucci Rozzi asked for a motion. Member Ferris moved to grant an extension for 33 Mount Auburn Street for 90 days from the date of the grant, or until October 4, 2015, which was seconded by Member Heep and voted unanimously to grant approval (5-0-0).

CONTINUED CASES #1 – 28 Fayette Street

Chair Santucci Rozzi noted the next case to be considered by the Board would be 28 Fayette Street. She said she would not participate in this case because she missed testimony. She said that Member Chander would also not participate in 28 Fayette Street. She said the four remaining members would review the project, with Member Ferris acting as Chair. Member Gannon asked if there was any discussion on this project at the last Zoning Board of Appeals meeting, to which Chair Santucci Rozzi responded no.

Member Ferris, acting as Chair, asked the applicant to describe their project and introduce himself.

Junming Gao, owner of the house at 28 Fayette Street, addressed the Board. He thanked the Board for their input on the project. Wants to transform the existing building to an asset to the neighborhood. Detailed the changes made to the project since the last Zoning Board of Appeals (ZBA) meeting:

- A. Full exterior and interior dimensions for both units
- B. Use new windows for the existing building, as well as new doors, new roof and sidings to create a uniform look
- C. New fence along the porch and also along the basement access
- D. All the plans are stamped, especially the driveway plan
- E. Included an example of a retaining wall and sloped driveway that exists in the neighborhood

He noted that after the last ZBA hearing, he said he discussed the driveway plan with DCDP staff and with his engineer. He suggested the grade seems to be steep because the horizontal and vertical scales on the plans are different, which makes the new driveway looks steeper than it will be in reality. He said the grade of the driveway is about 1:12 which is more gentle than what's required for disabled access.

Member Ferris, asked for any comments on the project from the audience?

The abutting property owner asked how the detail would be handled related to the grading of the proposed new driveway relative to his property? He said there is no detail in terms of grading. He said other than this, he was in support of Mr. Gao's project.

Junming Gao responded that his plans had adequate detail to show the materials used, the proposed retaining wall. He said the plan specifies the type of brick and other matters.

The abutter said his question related to the retaining wall on the house side of the driveway, and the porch that was on his proposed structure.

Junming Gao said he understood the comment.

Member Ferris asked for questions from the ZBA members.

Member Heep said he appreciated the plan revisions since the last ZBA meeting. He suggested the applicant had addressed his concerns about the driveway, and now the new drawings address the other part of the building. He asked the petitioner about Sheet A-8, and the Church Street side as an existing paved driveway, 9 feet wide with a 4-foot buffer. He said the current situation is 9.8 feet paved from the structure to the property line. The applicant agreed, that Sheet A-8 does not show the current condition correctly. He said the existing condition will conform to the Town's requirement, by removing pavement, in towards the house. Member Heep agreed that driveway would have to be reduced, to create the 4-foot buffer. The applicant agreed, noting that the existing walkway would also have to be adjusted. He said part would be converted to a lawn.

Member Ferris said what's not shown on Sheet A-8 is the retaining wall. The applicant said Sheet A-8 does not have enough detail. Member Ferris said the retaining wall would be along the entire property line, and the neighbor's grade should not be altered at all. Junming Gao said the retaining wall would be on both sides of the driveway. Member Ferris said the drawings still don't match. He noted Sheet A-4 shows a door in the new part of the structure, but the elevations do not. Member Ferris directed the applicant to the related floor plan, on Sheet A-1. He said drawing A-1 shows the driveway, and a door into the kitchen, which is not shown on the elevation drawing, A-4. He said this shows confusion about what's to be built on the site. He noted the same difficulties with the drawings that show the proposed windows. He said this is clear that what's shown on the plans will not be what's built on the property. Member Ferris said drawing A-3 does not correctly show the melding of the two roof lines. He suggested this needed to be addressed as well. The applicant said the window in the existing building will be moved due to a new entry. Member Ferris said the elevations are not drawn based on the floor plans. Windows can't be located relative to the floor plans, for example. He said he need clarification relative to Sheet A-1 and the dimensions of the two units. When you look at drawing A-3, there appears to be an overhang on drawing A-3. The applicant said yes. Member Ferris said this may be the case in actuality, but the plans don't show the overhang. He said this means the roof will be sticking out, and the cantilever of the existing roof would be further than what is shown. He expressed frustration because this was the third meeting when this project was discussed, and what was going to be built. Member Ferris expressed concern for the applicant that the drawings he had paid for did not clear up these discrepancies.

Junming Gao said drawing A-2 shows that the first part of the building is deeper than the second floor. The second floor is set back 5 feet from the first floor.

Member Ferris said drawing A-2 shows the existing building. He said his question related to drawing A-1, showing the new construction. The applicant said the first and second floor show almost the same dimension. Member Ferris said his concern related to the first floor which had a certain dimension from the street, towards the back yard. He said the same drawing, A-1, shows the same dimension on the second floor: 29.7. Member Ferris said drawing A-3 shows no overhang in the floor plan. He noted this change is also not reflected on drawing A-6.

Helen, the applicant's partner, came to the podium and suggested there was a language barrier. She said the front was flush. The woman said the floors were flush. She said the upstairs is smaller.

Another woman, part of the applicant's team, reiterated that the second floor is to one side, wider.

Member Ferris said then drawing A-3 does not represent this condition. He restated what the two women had said about the elevations. He thanked the applicant for the clarifications. Member Ferris asked the Board for further questions?

Member Ferris closed the public hearing and moved the Board into its deliberation. He said the situation is perplexing. He said it's clear the applicant is trying to do what the Board wants, but the person who drew the plans is not showing what's really going to be built. Suggested that the discrepancies could be worked out with staff, and if the changes were substantial, the project could be brought back to the Zoning Board of Appeals for further review.

Member Gannon asked if Member Ferris' proposal would be approving the plans at tonight's meeting, and then coming back to review the progress in adjusting the plans?

Member Ferris said he wanted staff input. He also suggested that one option was to not approve the project tonight, and have the applicant come back to another Board meeting. He said he was not in favor of having the applicant do more work and come back to the Board because it was clear to him that unless there is a different person hired to do the drawings, the same issues would arise. He said he felt comfortable with the applicant working through the other questions he had about the project with the DCDP staff: Windows, lack of coordination with floor plans.

Director Magoon said staff could work with the applicant to bring the project to closure. Happy to work with the applicant if that was the desire of the Board.

Member Heep said he was most concerned about the driveway and the appearance of the new two-family from the street. Concerned that there may be problems lurking when it comes time to pull a Building Permit. Appreciates all the work the applicant has done to bring the project in line with what the Board wants. If can't build what is shown on the plans, the applicant will need to return to the Board for further action. Comfortable approving it in its current form with this understanding.

Member Donato said she was comfortable with the idea.

Member Ferris suggested the following might happen at the time the applicant sought a Building Permit: the windows would not be large enough to provide adequate fire egress. He said the window for a bedroom needs to be a certain size to provide that egress. The windows for the bedrooms will probably become bigger than what's drawn on the plans, and the kitchen window will probably become smaller than what's shown. He suggested if this set of drawings was used for a Building Permit, it probably would not be issued. Member Ferris suggested this might be the point where the project would come back to the Board for further review?

Member Heep said he did not appreciate this discrepancy. He said if this changes the exterior elevations, he would not necessarily be in favor of the project. He would like what is to be built reflected on the plans before the Board.

Member Ferris suggested that the coordination between the floor plans and exterior elevations would probably lead to further changes. These changes must be made at the time of Building Permit, or to work with the staff to bring the drawings to the point where a Building Permit could be issued. Member Ferris suggested this could be the point when the Board looks at the project for final consistency.

Member Gannon asked if this would be a feasible option?

Director Magoon said the staff was comfortable working with the applicant. He suggested discrepancies in the drawings are not necessarily what the Board delves into, such as the size of the window for fire egress. He suggested the staff could work through the issues to get the plans to the Building Permit stage.

Member Ferris said the Board's point was to inform the property owner of what they are actually getting. Member Ferris said he was happy with the outcome of having the applicant work with staff to ready the plans for issuance of a Building Permit.

Member Heep said he was happy with this as well. The final building plans would also have to be in substantial accordance with the plans reviewed by the Zoning Board of Appeals.

Member Ferris agreed, in that the elevations as they substantially are must be coordinated with the final set of plans used to issue the Building Permit.

Member Gannon suggested how would the vote be structured?

Member Ferris suggested the Board approve the project so that the elevations are substantially as they are tonight, and that the plans and elevations be coordinated. He said the Board would have to see the plans again. The quantity and size of windows would have to be coordinated. He asked for a motion.

Member Heep moved to approve the project such that it be substantially in accordance with the most recent set of elevations provided to the Board, particularly the number and location of windows, and other architectural features shown on these plans. Member Donato seconded the motion and the Board voted unanimously to grant approval (4-0-0).

CONTINUED CASE #2 – 195 Mount Auburn Street

Chair Santucci Rozzi took over the hearing from Member Ferris. She said there was one more case on the Agenda, 195 Mount Auburn Street. She said Member Gannon and Heep missed testimony, so they would now leave the hearing. She asked Mr. Younger to present the newest materials to the Board.

Mr. Younger thanked the Board for its patience, to allow him to provide the different options and information. He also thanked the DCDP staff relative to clarifying what the Board may be looking for, and the various possible options, and physical constraints of the site. Mr. Younger used a series of pictures to illustrate his points. He said it was not possible to add a driveway access on Mount Auburn Street was not possible due the bus stop and fire hydrant. He noted the Franklin Street side – having a curb cut and removing a tree along the site. Mr. Younger noted the tree was lovely and as a flowering plant. He noted he would have to contact the utility company to remove the tree, and it would remove an asset on the property. Mr. Younger noted another avenue suggested by the staff was to eliminate a business on the site. Mr. Younger said that this would significantly impact the property's income. Clyde Younger said this would make the property not financially viable. He said hie also discussed off site parking with the Otis Condominiums, but this was to no avail. He said it also was not possible to widen the existing driveway. He said in the past 6 year, the residential tenants parked in the first spots, #1. He said this car was often not moved. He said the residential unit was not occupied at this point. He said the garage could be designated for overnight parking for the residential unit, as it would also provide covered parking. Mr. Younger said he's been in discussions with the Otis Condominiums about demolishing the garage, but this was not feasible due the where the trash dumpster was, and possible encroachment on to the adjacent lot. He said there are significant problems with accessing abutting properties. He said angled parking was not viable. It would require a 12 foot drive aisle, and a 17 foot angled parking spot. The existing width is less than that. He said there was also a concern about putting the property more out of conformance with the parking requirements.

Chair Santucci Rozzi asked for comments or questions from the audience.

Rena Baskin, 15 Franklin Street, said there is an issue at the intersection of Franklin Street and Mount Auburn Street due to parking off site. The cars park right at the corner. Tandem parking on the site. Two SUVs parking on the street, causes cars to have to back out of the space. Suggested this was dangerous, particularly due to residences on the street with children. Questioned if emergency vehicles could navigate the street. Franklin is two-way, so the width of the street is reduced. Noted the prior configuration of the driveway, allowing cars on the site to circulate around the subject property and 9 Franklin Street, before that property was sold.

Mike Mena, Zoning Enforcement Officer, clarified that the original approval in 1996 did not contemplate having 9 Franklin Street part of the subject property. He said the approval at that time contemplated 10 parking spaces on the subject property. He said the reason why the Board is holding this hearing is

because the plan in 1996 erroneously showed that there were 10 parking spaces on 195 Mount Auburn when there was not.

Ms. Baskin said her concern was for the safety of the space on site for parking. Adequate for a residence. This situation is unsafe.

Council Member Lenk, District B, said the Board seems to be in the same place as the last meeting. Did not feel all options were considered, including use of the side yard. Parking on site is not adequate. The corner of Franklin Street and Mount Auburn Street is dangerous. Parking plan shown is not workable. Will bunch cars up around the intersection. Need to consider moving telephone poles and new curb cuts to find a solution.

Johnathon Block, 9 Franklin Street, abutter, said there were two points. Heard the same issues: serious issues with parking on the site. The 8 parking spots show on the plan do not bring the site into compliance with the 2015 Zoning Ordinance: No buffer, the site will not be safe, no aisle, and no stormwater management. He noted that tenant space #1 does not exist in the plot plan there now. This plot plan calls for the removal of a wall. This plan is not accurate. He noted Mr. Younger also suggested there was or would be encroachment on to the Condominium property. Mr. Block said there was a trash receptacle on Mr. Younger's property.

Mr. Block said his main point was how things got to this situation. He noted he had purchased 9 Franklin Street in 2007, and at that point, there was continuous pavement between 9 Franklin Street and 195 Mount Auburn Street. He said this allowed cars to enter the site, park, and leave by exiting on what is now his property. Mr. Block said this wasn't acceptable, and he could not resolve the issue with Mr. Younger. He said Mr. Younger rented out part of Mr. Block's property to a truck, and other people. He said he had ample parking because Mr. Block sometimes allowed Mr. Younger to park cars on Mr. Block's property. Mr. Block said he explained to Mr. Younger that there was a problem: the sale of the property invalidated the Special Permit for 195 Mount Auburn. Let's talk: Mr. Block suggested he was willing to discuss a covenant or easement with Mr. Younger to allow him to have adequate space to park cars. Mr. Block said Mr. Younger said he did not have a problem. Mr. Block said that at the same time, he attempted to convince the Town that there was a problem with the validity of the Special Permit.

Mr. Block said there are only two possible arguments for what happened in 1996: The plans were wrong. Mr. Block suggested this was a reasonable argument. A mistake was made. In this case, the site never had the parking attributed to it. When Mr. Younger sold off 9 Franklin Street, he never could have adequate space. He suggested that when the permit was granted, it was probably granted under common ownership. Perhaps the Zoning Board of Appeals made a mistake. But, when 9 Franklin Street was sold, by statute, the Special Permit is invalid because of the lack of common ownership. Mr. Block said that the Special Permit for Mr. Younger's property cannot be valid, because a Special Permit cannot be granted on property that Mr. Younger does not own, in this case, 9 Franklin Street.

Mr. Block said suppose he had given Mr. Younger an easement to park cars on 9 Franklin Street. In this case, Mr. Block suggested the Special Permit on 195 Mount Auburn Street could then be valid. It would be pre-existing and not conforming. If this was not the case, which is the case now that Mr. Block has removed asphalt between the two sites, and added landscaping on his property, therefore the Special Permit for Mr. Younger is invalid. He said Mr. Younger, due to his own actions, need relief. However, the hardship is self-induced. Even so, the 8 parking spaces are not in compliance with the Zoning Ordinance. He said he wished the Board would discuss if the property needed to be in compliance with the Zoning Ordinance.

Chair Santucci Rozzi said the Board did not have to discuss this question. If a property is pre-existing, non-conforming, with regard to parking or setbacks, or whatever, there is no requirement to comply with the Zoning Ordinance. That's why the Board grants deviations from the Ordinance to continue.

Mr. Block said that 195 Mount Auburn Street, at some time in its history, was lawfully non-conforming in use and parking. He agreed. He recommended that the Town seek legal counsel on this point: That

when Mr. Younger sold 9 Franklin Street, he no longer had right to the land that the Special Permit required.

Mr. Block suggested the other way of looking at the argument is that he never actually had the conditions required by the Special Permit. He said there is no Statute of Limitations on this point. Mr. Block said if it had been associated with a Building Permit, after 6 years, Mr. Younger would have been okay. But, he never could have parked the 10 required cars on his property. Mr. Block said it is impossible: When Mr. Younger paid for the survey. Mr. Block said that given that Mr. Younger could not implement that Special Permit, it has effectively lapsed. His property is now no longer lawful, and has therefore also lost its ability to be "grandfathered in". Mr. Block said he advised Mr. Younger of this, and wanted and wants the situation corrected. He said he does not know what the correct thing to do is now. He said there are better things to do than shove 8 cars on the lot, which will cause cars to overflow onto the street. It will be worse in the winter, and when Mr. Younger finds tenants for the residential unit. He said there are better solutions. He implored the Board to consider these. He said a full review of all of the facts on the ground is in order. Errors were made. The facts used to determine the requisite number of parking spaces have not been scrutinized. He said that if the Board grants Mr. Younger a modification, Mr. Block will raise these issues again, and that will result in another enforcement action. It will be out of compliance. There issue will not be solved. An unsafe continue will continue.

Ken Mervis, 46 Springfield Street, tenant at 195 Mount Auburn. He discussed his situation. He said he and his office mate travel about half the time away from the site. He said the real estate office has in and out traffic. He said in the years that the businesses have been at the site, there has never been a problem. One asks the other to move vehicles. Can easily fit 4 cars without an obstacle. He said 3 or 4 cars part against the house, and one parks in front of the garage. If the garage is open, then a car can park in the garage. He said he was the person who asked Mr. Block to reconsider his landscaping, because right on the property line are large granite blocks. In winter, when surfaces are icy, cars can't always control sliding, although there was no problem this winter. He said there are many people who park on Mount Auburn, and who are not tenants of the building. Parking is a problem in the neighborhood. The width of Franklin Street is a problem.

George Mavrogiannidis, another tenant from the Real Estate office, said he agreed with Mr. Mervis. Parking is not an issue. The biggest issue is safety. Agrees with the neighbors. Notices that the speed on Otis Street is very low. Parking on both sides reduces speeds. On Franklin Street, sometimes cars slow down, but sometimes they don't. Don't worry about parking, but speeds on Franklin Street.

Chair Santucci Rozzi asked Mr. Mavrogiannidis where he parks his car? He responded that sometimes, he parks in front of the office, further down. He acknowledged that sometimes there were mistakes made, where cars would park too close to the intersection, but after being advised about it by neighbors, or the Police, cars park in the driveway or further away from the intersection of Franklin Street and Mount Auburn Street. He said he can't control where commuters park. Seen this situation many times.

Chair Santucci Rozzi asked Mr. Mavrogiannidis if he would be comfortable parking his car in parking spot #3 shown on the plan before the Board? He responded yes. He said everyone in the building knows how people park on the site. He said you get used to peoples' hours. As such, he suggested Mr. Mervis would park in spot #3, and as such, he might park in spot #2. He said this is how things are arranged. He said the spots parcel themselves out. He said there are rarely more than 6 cars on the lot.

Chair Santucci Rozzi posed an example where she would visit the site for a massage, and would park in spot #8 shown on the plan. Mr. Mavrogiannidis said she would not be allowed to park in spot #8. No one except tenants would park there on the driveway. He said sometimes the woman who owns the massage parlor parks there. He said there are many places in Watertown that don't have parking. Both for homes and no parking on lots of streets. Agrees the issue of safety should be addressed, such as ways to improve sight lines, or make Franklin Street a one way, or don't allow on street parking. This improves the street width, and improves safety.

Member Donato asked when Mr. Mavrogiannidis was parking on the street, was that when the tenant in the residential unit was parked in spot #1? He responded yes. She said at some point, the residence will be occupied again. When it is, how will parking be handled? Mr. Mavrogiannidis said it will probably be tandem parking. He said cars would be moved more often. He said the tenants prior were not very good drivers. He said this caused problems: part of the car would be sticking out onto Franklin Street. He said the tenants got past this, and have become more considerate to everyone there. He said if everyone is considerate, there is plenty of space to park. He said he's all for solutions for safety issues.

Maria Papadopoulos, another one of the realtors at the site came to the podium to speak.

Chair Santucci Rozzi asked how many realtors were at the site? Ms. Papadopoulos said there are 7 full time realtors at the site, but 4 come and go. She said she is one of the SUV owners who has parked on Franklin Street. She said that since the last Board meeting, she has made conscious attempts to park more carefully. She is trying harder to park off the street. Ms. Papadopoulos said she and Rita typically take spots #1 and #8. She said the key is to share phone numbers to allow each person to move the cars around. She said this system works.

Chair Santucci Rozzi asked why Ms. Papadopoulos does not park in the driveway? She responded that the in and out and inconvenience. She said however, she is now making an effort. She wants to make the neighbors happy, and wants to help with a safety issue on Franklin Street. Parking on the left side of the street is generally done by people who are not commonly on the site.

Chair Santucci Rozzi asked where clients for the real estate office park? Ms. Papadopoulos said they will park in front of the building, but the realtors sometimes tell them where to park. She said they generally park on Mount Auburn Street.

Chair Santucci Rozzi asked why the clients are not told to park in the driveway? She said she was trying to understand the use of the site, and why people are not told to park on site. Ms. Papadopoulos said they usually park on Mount Auburn Street. She said she was not sure most streets allow parking. She said the realtors leave the site more than they are there. She suggested people may not know the driveway is for the site. She said the tenants are working together, and are willing to work with the neighbors.

Mr. Younger said the reason why a client does not park in the driveway. He said all the signage for the property and the "front" entrance is on Mount Auburn Street. Mr. Younger said clients coming to the real estate office for the first time would therefore likely park on Mount Auburn Street. He said he took issue with the patronizing attitude of Mr. Block. He said Mr. Block did not discuss with him what he said in the hearing he did. Mr. Younger said he was outraged. There hasn't been these kinds of discussions. He noted the comments made by Mr. Mena concerning errors of omission. He noted the plot plan in November was corrected. A professional engineer drew up that plot plan with the parking spaces. He noted that he and Mr. Block were lay people, in contrast to Mr. Ferris' comments to the prior applicant with regard to the drawings of his project. Mr. Younger said you want professionals to do the work for you. He said he has paid for a professional engineer to stamp the document in the Board's materials. Mr. Younger said the Board has an acceptable document. Mr. Younger said Mr. Block is saying the engineer does not know what he is doing, or is lying. He said the engineer is not lying; he did the work and shows 8 spaces. Mr. Younger suggested the garage was relevant, in that it was oversized and could be used for parking. He noted the other instances around Watertown where there was no onsite parking. He said the demographics in the area of the site have changed. He suggested the Traffic Commission should weigh in by making parking only on one side of Franklin Street. The safety issue lies with the street, not necessarily with the site. He said there many ways to find solutions, rather than denigrating a site or a property owner.

Chair Santucci Rozzi asked Mr. Younger if the Traffic Commission eliminated parking on Franklin Street, would the 8 parking spots on the site be sufficient? If none could park in the 8 spots, would that work? Mr. Younger suggested people would find parking on Mount Auburn Street, and that 8 spots on site would work. He suggested the real estate office, for example, has flexible hours.

Chair Santucci Rozzi said that this was the situation today, with the uses today. What would happen in the future? Mr. Younger said this was the same type of question relative to an easement: Whatever is there, is passed on to a future owner.

Lisa Fletner, Parker Street, said her understanding about Special Permits is that the use is not grandfathered. She said this is according to Don Schmidt at the state office. She suggested no parking on the street would make the cars travel faster down the street. She suggested the way to reduce speeds is to make the road curve, which is the case on Otis Street. She suggested some of the spaces are undersized, and there is no buffer between the properties. She said safety is an issue, if cars back out onto the street, and with snow removal.

Chair Santucci Rozzi said Mr. Younger received permission from the Board of Appeals to go from one non-conforming use to another non-conforming use. Therefore, he has a right to the uses he has, by Special Permit Finding. This is allowed by the Zoning Ordinance. She believed no one on the Board was here discussing the uses, but rather the parking.

Mr. Block asked if the Board knows what his uses of the building and site are, and could read it into the record?

Chair Santucci Rozzi asked if Mr. Block was referring to what Mr. Younger had been granted? Mr. Block said yes. Ms. Santucci Rozzi said Decision 96-31 is the first petition, where the owner will replace the Funeral Home with a business use. She read *"the Petitioner will use 943 square feet in the basement plus 1,600 gross square feet in the first floor, of a business use, and an additional 1,008 square feet on the first floor will be available for sub-let, total commercial square footage is 3,614."* She said residences are allowed in that district.

Mr. Block said he believed the 1998 permit also discusses what is allowed. How many desks are allowed, etc. He said the decision also requires that the conditions must be met for issuance of a Certificate of Occupancy. He said he has found no such evidence of any inspection or any compliance with that in the record. He said there is testimony tonight about the number of people using the property, which he heard was seven. He said if you read the conditions, there is a requirement for an inspection. He asked the Chair if she had the conditions?

Chair Santucci Rozzi said yes, that was what she was looking at.

Mr. Block asked if there was a condition that there was an inspection, and that the conditions were met before a Certificate of Use/Occupancy was granted?

Mr. Mena said he was scanning the Conditions, and he said that Condition does not appear to be in the Decision, however, it is typical now that before a Certificate of Occupancy is issued, an inspection is done. He suggested the prior staff therefore likely inspected the property.

Mr. Block said a number of people have said they would tell the truth. He asked for the plot plan with the parking spots shown. He said spot #3 has a note, stating *"fence to be removed."* He said, therefore, this spot does not exist. Mr. Block said these spots don't exist today. He therefore recommended scrutiny of all the information submitted.

Chair Santucci Rozzi responded to Mr. Block saying yes, this layout does not exist today, nor has it been approved by a Town Board. She asked if Mr. Block understood this?

Mr. Block responded his point was that people were asked if they parked in spot #3, and they responded "yes." He said his issue was the future. If the site can get away with 3-4 spots, so be it. But what about the future? He said sometimes, there are up to five cars, because it's been logged in the Police Log. However, if the site does become fully used, there is no possible way the site can supply 8 or 10 spots, or the 13 spots noted in the staff report. He challenged them to fit that many cars on the site.

Mr. Younger said he did not want to belabor the point, but Mr. Block can't say the spots shown on the plan are the actual size of an automobile. He said there have been allegations of lying. On what date was the Police called, and what occurred. He suggested that Mr. Block did not take the oath before the Board. He said the Board needed to have the truth, and that Mr. Block is not telling the truth and is lying.

Chair Santucci Rozzi said the Board understands that cars are not 8 feet wide by 22 feet long. She said the Board can read a plan and form opinions.

Rena Baskin, there are no bad people at the hearing. Everyone is doing the best they can. Can't really compromise, in that there is only a certain amount of space on the site. Talked to the Council Member, and the Traffic Commission. Asked for "no parking" signs, and nothing has happened. Please go see the site. There is no buffer, and there should be one. It's unsafe for pedestrians and cars.

Chair Santucci Rozzi closed the hearing and asked Board Members for comments.

Member Donato said the Board has heard that the driveway parking is inconvenient with the residential unit vacant. Also heard testimony that clients of the massage parlor are not allowed to park in certain spots. Seems like there isn't sufficient parking.

Member Ferris had questions for staff. Someone mentioned about 3,600 square feet of commercial space in the building. He asked for that amount of square footage, how many spaces are required?

Director Magoon and Ms. Adams, Senior Planner, said the calculation resulted in a demand for 13 spaces, including the residential unit.

Ms. Adams said she had calculated the parking demand using the Watertown Zoning Ordinance as it existed at the time of the 1996-1998 decisions, and based on the requisite 2015 Ordinance.

Member Ferris said there are two or one apartment in the building. He asked how many spaces the residence would require.

Ms. Adams responded one unit on two floors. Mr. Magoon said the Ordinance would require two spaces.

Member Ferris said there were comments about the Board members viewing the site. He said he'd visited the site at least 3 times. He suggested he'd come to the same conclusion as Mr. Younger: there's the utility pole, the ramp. It does not seem like the site is offering any additional parking.

Ms. Adams projected the section of the report done by staff showing the parking calculation.

Chair Santucci Rozzi asked for other Board questions. Hearing none, she said it's not an easy situation. The 1996 plot plan would not be acceptable now. She said, however, the 1996 plot plan allowed some space for maneuvering a 10-foot drive aisle. The plan presented by Mr. Younger today for her caused concern about the maneuverability versus the number of spots shown. The layout is decreasing the number of spots available because people won't park in those spots. They are not parking in the spots because they are mediocre. The layout is horrible. This layout in this location, with this many users in a building did not work in her opinion. She said the 8 with 4 stacked does not work. She asked how the other members felt. She said she would like to move forward. She said that if Mr. Younger has presented his best attempt, and explored all the options, then this plan does not work.

Member Chander agreed with the Chair.

Member Ferris agreed with the Chair. He also asked staff so even if the site was limited to 8 spaces, then would that mean that 6 spaces could be available for the commercial uses, and 2 would be for the residence? He also noted the realty office is particularly problematic, because the business is such that people are coming and going from the site.

Mr. Mena said yes, in that the Board could deny the request, and move forward to revoke the permit, and thereby remove the commercial uses from the site. The other option would be to provide direction to the applicant to come back with an amendment to reduce the parking to only 6 spaces, or pursue some other alternative parking arrangement. He said these alternatives could involve a Variance or moving utilities, etc.

Both the Chair and Member Ferris said the larger issue for them was not necessarily the number of parking spaces, but their layout, in terms of being workable.

Member Chander said there was a bad situation in general, but would there be a way to work something out between Mr. Younger and the Town?

Director Magoon said he was not clear on what would potentially be worked out with the Traffic Commission.

Member Chander said his point was not to blame Mr. Younger for what's happening on the entire street. It's an entire street issue. Seems like the same issue will come up over again.

Director Magoon said the parking on the street, and whether or not it is or is not an issue is separate from the request before the Board. He said the request before the Board was that Mr. Younger had approval for uses in his building, and associated with that, an approval for 10 parking spaces on his property. He no longer has that, so he has asked for an amendment to that approval, in that he has 8 spaces and let the uses be maintained. Mr. Magoon said whether or not there is an issue on the corner of Franklin Street, and whether that can be resolved, is a separate issue. Franklin Street and Mount Auburn are public streets, and anyone can use those streets. Issues of sight distance are potential safety issues, but these are separate from the request before the Board tonight.

Member Ferris said he did not think the available parking on the site was a match to the uses of the property. He said a residential use would be less of a challenge than those on the site now.

Mr. Mena said should the Board be looking at limiting the parking to 6 spaces that would limit the commercial square footage to only 1,400 square feet.

Mr. Ferris said he lacked confidence that many of the spaces lacked the ability to work.

Chair Santucci Rozzi said even if there is less commercial space allowed on the site, the parking spaces as proposed are still unworkable or accessible. She asked for further comments. She allowed member of the audience to speak.

Ms. Baskin said the tree at the front is better. Putting parking on that side of the site would really make it worse for the neighborhood.

Mr. Block suggested that if the Board was considering revoking Mr. Younger's permit, that the Board grant him a temporary Variance so that he would have time he needs. He suggested the Variance could have a sunset, for a period of 6 months, to make other arrangements. He suggested this method was used in other court cases. He said Mr. Younger should be granted this time.

Mr. Mena said the Town does not have a process to grant a Variance.

Chair Santucci Rozzi asked for further comments. She allowed Mr. Younger to speak.

Mr. Younger said his concern was that the Board did not like the layout or tandem parking. Yet, he said those mostly affected by the layout have indicated they have been able to work the parking out. He said he'd been a Board member. He warned the Board of unintended consequences. He said zoning has the greatest Town Police power. Mr. Younger said the Board is not liking the layout, yet testimony said it works. He also said the Board has not asked about his leases, or how he can break these leases. He

suggested this was the basis of Mr. Block's comments for a Variance. He said the commercial space is under lease. Mr. Younger said that if he breaks the leases, his only recourse would be to fall back on the Town, and sue the Town for his damages, as it's the Town is saying the uses are no longer applicable. He said the parking now has the same configuration as the 1996-1998 permit.

Chair Santucci Rozzi said she had to disagree with Mr. Younger. She said this is not a standard stacked layout. She said the plan indicates a 10 foot aisle, to show people can move in and out. She suggested that is why the notation is on the plan. She said this is not a good situation.

Mr. Younger said one of the things she said is that the person he employed made an error, an error of omission on his part. So, that space was there at that time. Was it really there? He suggested there was an issue of grandfathering of use of the building. At the same time, he said he was not saying that all of this situation was grandfathered. Mr. Younger said there was a problem, and he was trying to solve it. Two of the spaces are in the garage. Seems that if there are 6 cars parked there, how can they maneuver? Mr. Younger said the cars can be moved. Watertown has other places where there are narrow streets, and no parking, different from his property in Denver, Colorado. He suggested there were extenuating circumstances surrounding this property, including that the property is in the Historic District. Things have worked on the site. The other is a separate issue related to the street. People have attested to the fact there is a way to make it work.

Chair Santucci Rozzi said Mr. Younger has filed to amend his permit, and back in 1996-1998, the Board of Appeals found that the parking layout and alterations were not substantially more detrimental to the neighborhood. Found the layout was to be what was shown on the plan at that time, and the site was to be used that way. She said she did not know if the site was in fact used that way, or if it ever was. She said at any point, did people park on the site as shown on the 1996-1998 plan?

Mr. Younger responded from the audience no.

Chair Santucci Rozzi said therefore, people did not park in compliance with the Control Documents or your plans. She said she did not know the Board's wishes. She said Mr. Younger did not apply for a Variance, and the Board is not considering hardships. Chair Santucci Rozzi said Mr. Younger was asking to alter his non-conforming parking to be more non-conforming than what exists today. She asked staff if that was correct?

Director Magoon said that is correct.

Member Ferris asked the staff if the Board was to deny the request for an amendment to the Special Permit, what is the length of time that the Petitioner must comply? He asked if it could be at a timetable as determined by the staff?

Director Magoon suggested that the non-validity of his permit at the time, and the enforcement of that, the staff's objective is to achieve compliance, not to create penalties or hardships. He suggested the staff would be reasonable in that regard, but would make sure to bring the property into compliance. Director Magoon said there were limitations to that reasonableness, but would try to work with people. Mr. Magoon said he could not give him a direct answer without some consultation.

Member Ferris said it's not a question of being able to fit 8 spaces on the property, it was more a question of safety. He suggested that if people were to park on the site, would it be safe? And, if people were parking between the site and the corner, would that be safe? For these reasons, he was not in favor of the modification.

Chair Santucci Rozzi asked Mr. Younger if he felt he'd given all the efforts he could to provide more parking on the site? She said the Board was looking for a serious answer to this question.

Mr. Younger said he did not have a serious answer to that question. He's looked around the neighborhood, and there is no parking nearby.

Mr. Mena suggested the staff was looking for direction from the Board, if the vote was a denial of the request, for revocation of the permit, or providing a timeline to come back with another amendment to reduce the commercial space, or a Variance, etc.

Chair Santucci Rozzi said she did not have particular direction. She said for her, it's the drive aisle, and room for cars to maneuver. She said the layout was not functional to her. Chair Santucci Rozzi said she did not know if there was not another layout that would work. She said she was familiar with the property. She also said she was not considering the situation at the intersection of Mount Auburn Street and Franklin Street. She said Mr. Younger needs to explore offsite options, and a layout that works. She noted the testimony of one of the tenants who noted that after the last Board meeting, now she parks on the site and not Franklin Street. That's not an indication that it works, because if it did, people would park there. People don't want to call someone to move their car, etc. Chair Santucci Rozzi said people are not parking there, and that's why this layout is not acceptable. She said the old layout wasn't great, but it worked. This layout does not work. She suggested she would be okay with giving Mr. Younger 6-8 months to come up with offsite parking and a better onsite parking layout.

Member Ferris said he agreed with the Chair. He said the question was not a condition of square feet of business uses, but rather an impracticable and unsafe layout. For example, a residential use would probably have cars that were more stationary, and less frequently used. Business use to have this method of parking is not safe.

Member Donato and Member Chander said they agreed with the concerns of Member Ferris and the Chair.

Chair Santucci Rozzi suggested the Board was not inclined to reduce space in the building, but rather to seek alternatives such as offsite parking, and a better onsite layout. She asked for a motion.

Member Ferris moved to deny the amendment to the Special Permit. Member Chander seconded the motion.

Mr. Younger asked for a point of information. He asked if the Board denies the motion, then you can't come back in perpetuity. He said he thought the Board would defer tonight, and come back with potential offsite alternatives.

Chair Santucci Rozzi responded to Mr. Younger that if the Board denied this Petition, he would have to wait 2 years to refile. She said the reason the Board made the motion it did, is that the layout is not acceptable. She said that if Mr. Younger came back with an alternate layout, that the Board found acceptable, and that was different, and had a different set of circumstances, then different factors, that is something the Board can consider. She said 8 stacked parking spaces as a layout can't be brought back before the Board. She said Mr. Younger could come back with a different proposal, but not the same one for 2 years.

Mr. Mena clarified that Mr. Younger could not come back before the Board for 2 years, unless the proposal he made was substantially different than the one that he is now before the Board with as an amendment tonight. He said if there was something different, then he could be back within the 2 years.

Chair Santucci Rozzi said there was a motion made, and seconded. She asked if there was a timeframe for Mr. Younger to come back before the Board?

Member Ferris suggested that the timeframe, if any, be left to the staff.

Chair Santucci Rozzi reiterated the motion, and that it was for denial, and that it had been seconded. She called for a vote. The vote was 4-0-0.

Mr. Block asked for any other business? He asked about the Order to Show Cause.

Chair Santucci Rozzi said the Board was prepared to adjourn. She said there did not seem to be other business for the Board, including the Order to Show Cause.

Mr. Block suggested the Order to Show Cause should be continued, to give Mr. Younger the time he needs.

Chair Santucci Rozzi said she was not following his line of reasoning. She asked the staff if there was other business for the Board to consider?

Director Magoon said he did not believe so.

Chair Santucci Rozzi asked for a motion to adjourn. Member Ferris moved to adjourn. Member Donato seconded and the Board voted unanimously to adjourn the hearing (4-0-0) at 11:45 PM.